



CERTIFIED MAIL

Kyle A. Short
Short Development Group, LLC
2328 Bay Street
Charlotte, NC 28205

**RE: VARIANCE
1928 E. 8th STREET
CASE NUMBER 2015-010**

Dear Kyle A. Short:

At its meeting on March 31, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** the following two variances to allow modifications to an existing nonconforming structure:

1. a 3 foot variance from the required 5 foot side yard to modify the existing roof height.
2. a 15 foot variance from the required 35 foot rear yard to add a second story.

The Board based its decision on the following findings of fact:

1. The applicant is Kyle A. Short.
2. The subject parcel's current zoning classification is R-5 (single family residential).
3. The site is located at 1928 E. 8th Street, further identified as tax parcel 127-031-20.
4. The property is currently occupied by a warehouse structure.
5. The structure was built around 1952, and is considered nonconforming.
6. The existing structure currently encroaches in the required rear yard and the required side yard along the western property line.
7. The applicant is proposing to convert the warehouse structure into a single-family dwelling.
8. The proposed single-family use will be consistent with the residential uses in the area along East 8th Street.
9. The applicant is requesting two variances to allow modifications to an existing nonconforming structure and convert the warehouse into a single family dwelling: (1) a 3 foot variance from the required 5 foot side yard to modify the existing roof height and (2) a 15 foot variance from the required 35 foot rear yard to add a second story.
10. A building permit was mistaken issued on October 30, 2014 which allowed for the increase in height of the portion of the existing structure located within the required side yard.
11. The proposed two story addition within the required rear yard abuts a proposed development along the rear property line that has entitlements to construct a 4 story structure.
12. Granting the variance will not adversely affect adjacent or contiguous properties.
13. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
14. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

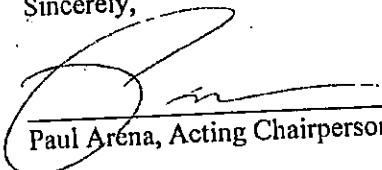
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

Conditions:

1. Structure will be built per Ken Davies Exhibit #1, variance expires upon demolition of structure.

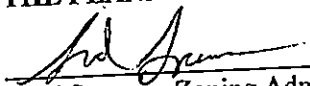
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Sincerely,


Paul Arena, Acting Chairperson

Date 4/17/15

**DECISION FILED IN
THE PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

Date 4/20/15